

22.04.2024
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allowed

CRM (DB) No. 1221 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari Police Station Case No. 9 of 2023 dated 09.01.2023 under Sections 370/120B/109 of the Indian Penal Code and Sections 14/14c of the Foreigners Act.

In Re : Sudip Das

And
..... petitioner

Mr. Arindam Jana
Mr. Sk. Toslim Ali
Ms. Tanusree Kar
Mr. Partha Pratim Sinha
Mr. Arhan Sengupta
....for the petitioner

Ms. Minoti Gomes
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and three months. It is also submitted co-accused who are Bangladeshi Nationals have pleaded guilty. Examination of witnesses has not commenced. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had harboured illegal migrants from Bangladesh and had taken steps to traffic them.

3. We have considered the materials on record. Petitioner had harboured illegal migrants from Bangladesh. Investigation in the crime does not reveal his involvement in onward trafficking of the victims. He is in custody for more than a year. There is no possibility of trial concluding in the near

future. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)